IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 24431 of 2004(H)

PETITIONER:
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1. R.BIJU,S/O.LATE RAMAKRISHNAN NAIR,
RESHMY BAHVAN, MALAMEL BHAGOM,
KAREELAKULANGARA P.O. KAYAMKULAM, ALAPPUZHA DIST.

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENTS:
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1. THE GENERAL MANAGER, INDIAN OVERSEAS BANK,
PERSONAL ADMINISTRATION DEPARTMENT,
CENTRAL OFFICE, CHENNAI.

2. THE CHIEF OFFICER, INDIAN OVERSEAS BANK,
REGIONAL OFFICE, ERNAKULAM.

3. THE MANAGER, INDIAN OVERSEAS BANK,
MAVELIKKARA BRANCH.

BY ADV. SRI.GEORGE VARGHESE (MANACHIRACKEL)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE REQUEST MADE BY PETITIONER'S SISTER TO THE 1ST RESPONDENT DATED 5.9.2003.

EXT.P2: TRUE COPY OF THE REQUEST MADE BY PETITIONER'S MOTHER TO THE 1ST RESPONDENT DATED 5.9.2003.

EXT.P3: A TRUE COPY OF THE LETTER ISSUED BY the 2ND RESPONDENT TO THE PETIITONER'S MOTHER DATED 24.9.2003.

EXT.P4: A TRUE COPY OF THE MEDICAL CERTIFICATE DATED 19.8.2002.

EXT.P5: TRUE COPY OF THE STATEMENT OF ACCOUNT WITH NO.579419 ISSUED BY THE HDFC BANK DATED 21.6.2001.

EXT.P6: TRUE COPY OF THE STATEMENT OF ACCOUNT WITH NO.638781 ISSUED BY THE HDFC BANK DATED 21.6.2001.

EXT.P7: TRUE COPY OF THE STATEMENT OF ACCOUNT WILTH NO.9315 ISSUED BY THE PALKULANGARA SERVICE CO-OPERATIVE BANK DATED 13.6.2001.

EXT.P8: TRUE COPY OF THE STATEMENT OF ACCOUNT ISSUED BY THE ALAPUZHA DISTRICT CO-OPERATIVE BANK, KAYAMKULAM BRANCH DATED 14.6.2001.

RESPONDENT'S EXHIBITS:

EXT.R1(a): TRUE COPY OF RULES (SCHEME) FOR COMPASSIONATE APPOINTMENT.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.24431 OF 2004

Dated this the 13th day of July, 2007

JUDGMENT

The petitioner's father died on 1.9.2001 while in the service of the Indian Overseas Bank. Petitioner's sister Reshmi Nair applied for consideration for appointment on compassionate grounds. That led to a writ petition being filed before this Court as O.P.No.1287/03. In fact, Reshmi Nair had made the application for compassionate appointment on the strength of the consent letter given by the petitioner that she may be appointed on compassionate grounds on account of the demise of their father. But the fact remains that O.P.No.1287/03 was finally withdrawn and later on, the petitioner filed the application for compassionate appointment on 5.9.2003, though his mother. But, by the time, the period of one year prescribed by clause 3 (a) of Ext.R1(a) scheme had expired. Since the entitlement is only for being considered in accordance with a scheme framed by the Bank, such entitlement to be considered is only in terms of the scheme and not otherwise. If the scheme

provides a cut off date, one would not have legal entitlement to apply after the prescribed cut off date. This issue is fairly covered by the decisions of the Apex Court in **Himachal Road Transport Corporation** v. **Shri.Dinesh Kumar** [JT 1996 (5) S.C. 319] and in **Hindustan Aeronautics Ltd.** v. **Smt.A.Radhika Thirumalai** [JT 1996 (9) S.C. 197]. Under such circumstances, I find no ground to issue any direction in favour of the petitioner.

In the result, the writ petition fails. The same is dismissed accordingly. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.